

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Sadek and Cooper Law Office
1315 Walnut Street, Suite 502
Philadelphia, PA 19107
215-545-0008

In Re:

Reahienia M. Williams

Case No.: **20-24071**
Chapter: **13**
Hearing Date: **2/23/2021 @ 10 AM**
Judge: **ABA**

**NOTICE OF MOTION FOR TURNOVER OF DEBTOR VEHICLE IN
VIOLATION OF THE AUTOMATIC STAY UNDER 11 USC SECTION 362**

I, Brad J. Sadek, Esq. has filed papers with the court to request that the Creditor turn over the debtor's vehicle.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: February 23, 2021
Hearing Time: 10:00 AM
Hearing Location: Mitchell H. Cohen U.S. Courthouse
400 Cooper Street, 4th Floor
Camden, NJ 08101
Courtroom Number: 4B

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

Isabel C. Balboa

Chapter 13 Standing Trustee
Cherry Tree Corporate Center
535 Route 38 - Suite 580
Cherry Hill, NJ 08002

Reahienia M. Williams

PO Box 5
Magnolia, NJ 08049

Brad J. Sadek, Esq.

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Debtor, Reahienia M. Williams, by and through her Attorney, Brad J. Sadek, Esq., states the following and in support of his motion against the Defendant, listed below avers as follows:

1. Debtor filed a Chapter 13 Bankruptcy on December 31, 2020.
2. Prior to filing the Bankruptcy debtor had obtained a 2016 Ford C-Max that was financed by Ford Motor Credit/Lincoln Motor.
3. Ford Motor Credit/Lincoln Motor repossessed debtor's vehicle prior to filing and has refused to return the property in violation of the automatic stay under 11 U.S.C. §362.
4. On the date of Debtor's bankruptcy filing, Debtor's counsel mailed a Notice of Bankruptcy to Defendant, Ford Motor Credit/Lincoln Motor with the notice attached hereto as **Exhibit "A"**.
5. Debtor's counsel has been in communication with Premiere Finance Adjusters, who is holding the vehicle and are willing to release the vehicle to the Debtor upon instruction from the defendant, Ford Motor Credit/Lincoln Motor.

6. Furthermore, Debtor asserts that documents that are required to file the remaining schedules are within the subject vehicle.

7. To date, Ford Motor Credit/Lincoln Motor has not filed a Motion for Relief of the Automatic Stay.

8. Defendant was made aware that a Bankruptcy has an automatic stay under 11 U.S.C. §362 to protect Debtors, and any repossession and collection efforts without proper action would violate the stay.

WHEREFORE, Debtor respectfully requests this Honorable Court:

- (a) Order Defendant forthwith to turn over Debtor's automobile to the Debtor;
- (b) Order such other relief as is just and proper.

/s/ Brad J. Sadek
Attorney for Debtor
1315 Walnut Street
Suite 502
Philadelphia, Pa 19107
(215) 545-0008

Dated: January 26, 2021

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STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

Date: January 26, 2021

/s/ Brad J. Sadek
Signature